

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

S. BAXTER JONES,

Plaintiff,

vs.

CASE NO. 11-15696  
HON. LAWRENCE P. ZATKOFF

WELLS FARGO BANK N.A.,  
IRWIN MORTGAGE CO., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., EVERHARD MORTGAGE CO.,  
FEDERAL NATIONAL MORTGAGE  
ASSOC.,

Defendants.

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**ORDER DISMISSING PLAINTIFF'S COMPLAINT**

On December 29, 2011, Plaintiff filed his complaint against Defendants, claiming the following:

(a) [Defendants deceptively mislead] Plaintiff into believing that he would be able to short sale his property; (b) Defendants fail[ed] to assess Plaintiff for a loan modification pursuant to HAMP; (c) Defendants' lack of standing; (d) Promissory Estoppel; (e) wrongful foreclosure; (f) Fraud in Inducement and (g) Defendants' continuing tortuous conduct intended to deprive Plaintiff of his rights and remedies[.]

On March 13, 2012, Defendants filed a Motion to Dismiss under Fed. R. Civ. P. 12(b)(6). Twenty-one days after Defendants' filed their Motion, Plaintiff had still not responded. *See* E.D. Mich. L.R.7.1(e)(1)(B).

When a party has taken no action for a reasonable time, the Court may enter an order

dismissing the case unless good cause is shown. E.D. Mich. L.R. 41.2. Accordingly, on June 14, 2012, the Court Ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute. Plaintiff was also ordered to file a response no later than 5:00 p.m. on June 27, 2012. The Court warned Plaintiff that failure to respond may result in the dismissal of this case.

As of the date of this Order, Plaintiff has failed to either file a response to Defendants' Motion to Dismiss, or to respond to the Court's Order to Show Cause. Thus, the Court finds that Plaintiff is in direct violation of the Court's Order and appears to no longer be prosecuting this case. Accordingly, IT IS HEREBY ORDERED that Plaintiff's Complaint is dismissed and this case is closed.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

Dated: July 13, 2012

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 13, 2012.

S/Marie E. Verlinde  
Case Manager  
(810) 984-3290